

05-10-04

PATENT

Patent Owner's Docket No. 101103.0001US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Smith, Richard C. & Smith, Diann Y.**

Application No.: 10/769,158

Filed: **January 29, 2004**

For: **AMBIDEXTROUS EARPIECE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

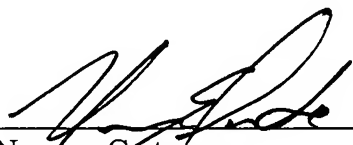
**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

**IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

Date: May 6, 2004

Reg. No.: 30,455
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05/11/2004 HVUONG1 00000076 10769158

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CERTIFICATE OF EXPRESS MAILING OR MAILING (37 C.F.R. section 1.10/1.8(a))

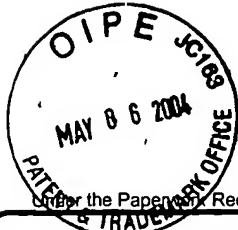
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, bearing label no.

EV 382 270755US

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5/6/04


Collene Houston



PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$180.00)

Complete if Known

Application Number 10/769,158
Filing Date January 29, 2004
First Named Inventor Richard C. Smith
Examiner Name
Art Unit
Attorney Docket No. 101103.0001US1

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

502191

Rutan & Tucker, LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1) (\$)					

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$180.00)

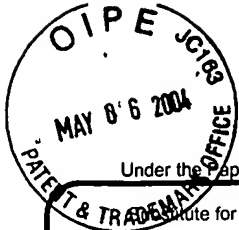
SUBMITTED BY

Name (Print/Type) Norman Carte
Registration No. (Attorney/Agent) 30,455
Telephone 714-641-5100
Signature
Date May 6, 2004

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

1

Complete if Known

Application Number	10/769,158
Filing Date	01/29/2004
First Named Inventor	Richard C. Smith
Art Unit	
Examiner Name	
Attorney Docket Number	101103.0001US1

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-			
	1	US- D. 272,904	05/03/1984	Kawano	
	2	US- D. 383,757	05/09/1997	Deobrusskin et al.	
	3	US- D. 470,122 S	02/11/2003	Hlas, Kevin et al.	
	4	US- D. 470,123 S	02/11/2003		
	5	US- D. 469,755 S	02/04/2003		
	6	US- D. 350,961 S	09/27/1994	Aiwa Co., Ltd. & Koji, Nakamura	
	7	US- 4,020,297	04/26/1977	S. Dan Brodie	
	See	US- Attachment 1			
	9	US- D. 176,810	01/31/1956	Norris, John R.	
	10	US- 4,870,688	09/26/1989	Voroba, Barry et al.	
	See	US- Attachment 2			
	12	US- 6,411,722 B1	06/25/2002	Wolf, Dan	
	13	US- 6,035,961	03/14/2000	Sun, Ming-Han	
	14	US- 4,878,560	11/07/1989	Scott, Robert T.	
	15	US- 4,724,922	02/16/1998	Kalayjian, Robert W.	
	See	US- Attachment 3			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

Examiner
Signature

Date
Considered

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Addendum

Attachment 1

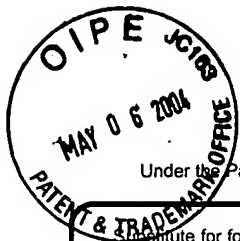
- a. 8
- b. D. 237,090
- c.
- d. 10/07/1975
- e. Ashida Onkyo Kabushiki Kalsha & Haruo Yanagawa
- f.

Attachment 2

- a. 11
- b. 6,386,314
- c. B1
- d. 05/14/2002
- e. Natus Medica, Inc. & Sheeham, Neil J. et al.
- f.

Attachment 3

- a. 16
- b. 4,864,610
- c.
- d. 09/05/1989
- e. ACS Communications, Inc. & Stevens, Toni R.
- f.



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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/769,158
				Filing Date	01/29/2004
				First Named Inventor	Richard C. Smith
				Art Unit	
				Examiner Name	
Sheet	1	of	1	Attorney Docket Number	101103.0001US1

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	A	OTTO COMUNICATIONS Advertisement, "Stick It In Your Ear", Law Enforcement Technology, July 1998, p. 55.	
	B	OTTO COMUNICATIONS Advertisement/Brochure Insert, "Which Communication Product Isn't Offered By Otto?" Carpentersville, IL.	
	C	OTTO COMUNICATIONS Product Brochure, "Your Specialist in Two-Way Radio Accessories"	

Examiner Signature		Date Considered	
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